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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,875	03/12/2001	Ulrich Becker	19252	5656

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EXAMINER

DAY, HERNG DER

ART UNIT	PAPER NUMBER
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2128

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/802,875

Applicant(s)

BECKER ET AL.

Examiner

Herng-der Day

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 05 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4 and 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to Applicants' Amendment ("Amendment") to Office Action dated May 5, 2004, faxed October 5, 2004.

1-1. Claims 1, 4, and 5 have been amended. Claim 3 has been cancelled. Claims 1-2 and 4-5 are pending.

1-2. Claims 1-2 and 4-5 have been examined and rejected.

Priority

2. Acknowledgment is made of Applicants' claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 100 12 771.8, filed on March 16, 2000.

However, it has been noticed, for example, Fig. 4 in the U.S. application does not exist in the parent application. Therefore, to be considered for foreign priority benefit, the Applicants need to respond to this office action by providing an English translation copy of the parent application to show all the additional matters have been disclosed in the specification.

Drawings

3. The proposed drawing corrections filed on October 5, 2004, have been disapproved because non-English words, for example, weis, gelb, rot, are still shown in FIG. 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include

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all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the Examiner, the Applicants will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The Examiner requests detailed information about the "Rail-Designer" package referred to in the specification at page 6 and shown in FIG. 1 because it appears to be reasonably necessary to the examination of this application and cannot be found.

Claim Objections

5. Claim 1 is objected to because of the following informalities. Appropriate correction is required.

5-1. Regarding claim 1, "(a) storing in a data storage bank an inventors of individual terminal blocks", as described in lines 3-4 of the claim. (Emphasis added.) The Examiner suggests that "an inventors" be replaced with "an inventory".

Recommendations

6. Claim 4 recites the limitations “the data bank” in lines 3-4 and “the replicas” in lines 5-6 of the claim. For clarification purposes, the Examiner suggests that “the data bank” be replaced with “the data storage bank” and “the replicas” be replaced with “the terminal block replicas”.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-2 and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sebastian, U.S. Patent 5,552,995 issued September 3, 1996, in view of Frikkee et al., U.S. Patent 5,318,461 issued June 7, 1994, and further in view of Applicants’ own admission.

8-1. Regarding claims 1-2 and 4-5, these claims are drawn to designing an electrical power distribution system using a software program by:

- displaying, on a computer display screen, a photorealistic visual image of individual terminal blocks and electrical modules in the form of replicas mounted on a mounting rail;
- retrieving and displaying individual terminal blocks, as the smallest possible graphic element on the computer screen, from a data storage bank containing a memory space;
- and
- using variables as the physical properties represented by replicas.

Sebastian teaches [Figs. 6, 8, and accompanied text] a computer-based engineering design system that:

- utilizes a feature library and outputs the design to a screen system [computer display screen];
- retrieves pad-feature templates (“smallest graphic element possible”) from a data bank (stored in memory) and displays individual pad feature [col 11, lines 27 - col 13, line 13].
- Using feature templates that includes form information that represents a parameterized (variables) primitive geometry entity having the form of the primitive object of the feature template.

Sebastian further teaches [col 1, lines 62 – 66] that computer tools exist to help designers carry out their function in the design process and for creating two and three-dimensional drawings (visual images) of parts to be designed.

Sebastian does not expressly teach outputting a photorealistic visual image of terminal blocks.

Frikkee teaches [Figs 1 - 3 and accompanied text] visual images of terminal blocks.

It would have been obvious to one of ordinary skills in the art, at the time of the invention, to take the computer-based engineering design systems as taught by Sebastian and modify it to design a visual image of individual terminal blocks in order to help a designer carry out his/her function in the design process and create visual representation of terminal block. Furthermore, by Applicants’ own admission [Pg 1, lines 17 – 22] processes for photorealistic

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illustration of mounting rail in-line assemblies, which employ a list of suitable components and generate a graphical display from the component availability list (library of parts), are well known.

Applicants' Arguments

9. Applicants argue the following:

(1) "The program of the present invention provides, in contrast to Sebastiam, a system which a customer may use in order to plan and design his individual terminal system on a mounting rail on the basis of a kind of 'catalogue' of already available Weidmueller terminals, which are, however, not stored as graphic 'T1F' oder 'DXF' data but as replicas as shown in Fig. 4" (page 8, paragraph 6, Amendment).

(2) "A software routine is utilized to simulate the in-line assembly on a computer screen, with the individual junction blocks or terminals being depicted directly as the image of a data structure consisting of individual replicas of elements mounted on a support rail" (page 8, last paragraph through page 9, first paragraph, Amendment).

(3) "Clearly, this system of Umeda differs from the replica simulation system of the present invention, wherein replicas of the selected terminal blocks are visually illustrated as being mounted on a mounting rail" (page 9, paragraph 3, Amendment).

Response to Arguments

10. Applicants' arguments have been fully considered.

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10-1. In response to Applicants' arguments (1) and (2) that the references fail to show certain features of Applicants' invention, it is noted that the features upon which Applicants rely (i.e., "not *stored* as graphic 'T1F' or 'DXF' data but as replicas" and "as the image of a data structure consisting of individual replicas") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

10-2. Applicants' argument (3) is moot because Umeda's system has not been referenced in the rejections of claims 1-5 under 35 U.S.C. 103(a) in the Office Action dated May 5, 2004.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure.

Reference to Aldrich et al., U.S. Patent 5,138,698 issued August 11, 1992, is cited as disclosing a method for building instructions for three dimensional assemblies.

Reference to Wayne Labs, "Electrical Rail Designer Software Helps Engineers Build Terminal Block Assemblies", Instrumentation & Control Systems, January 1998, Vol. 71, Iss. 1, page 74, is cited as disclosing an electrical rail designer software program.

12. Applicants' amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Herng-der Day whose telephone number is (571) 272-3777. The Examiner can normally be reached on 9:00 - 17:30. Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Jean R. Homere can be reached on (571) 272-3780. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Herng-der Day *H.D.*
March 16, 2005

JR HOMERE
JEAN R. HOMERE
PRIMARY EXAMINER